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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/553,012 04/20/00 ELLER

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WM02/0827

EXAMINER

NGUYEN, K

ART UNIT

PAPER NUMBER

2674

DATE MAILED:

08/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Office Action Summary**

Application No.

09/553,012

Applicant(s)

ELLER ET AL.

Examiner

Kevin M. Nguyen

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Gothard (US 6,215,411).

3. As to claim 1, Gothard teaches a remote control electronic display system which includes a display sign 20, a display generation means 24, a modem 34, a computer 26, (see fig. 1 and 2, col. 5, line 47 to col. 1, line 11). Accordingly, a display sign 20 corresponds to an electronic billboard, a display generation means 24 corresponds to the an information handling system as claimed.

4. As to claims 2-4, Gothard teaches a display sign 20 to a large group of people at a public facility (see col. 12, line 30).

5. As to claims 5 and 6, Gothard teaches the network, and world web wide (see figure 1).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 7-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gothard in view of Angles et al (US 5,933,811).

As to claim 7, Gothard teaches all of the claimed limitation of claim 1, except for a second electronic billboard having a second electronic display and a second information handling system. However, Angles teaches the system for delivering customized electronic advertisements in an interactive communication system which includes multiple consumer computer 12 and multiple content provider computer 14 and advertisement computer 18 (see Fig. 1,2, col. 7, lines 48 to col. 8, lines 32), the Internet 33, the communication medium 20 (see col. 9, lines 35-44). It would have been obvious to a person of ordinary skill in the art to recognize that Angles discloses multiple consumer computer 12 corresponds to a second electronic billboard, multiple provider computer 14 corresponds to a second information handling system as claimed. It would have been obvious at the time the invention was made to a person having ordinary skill

in the art to provide the system for delivering customized electronic advertisements in an interactive communication system taught by Angles in the remote control electronic display of Gothard's system because this would allow the users may receive a directed sales pitch, more information or a purchase or purchase order request form (col. 4, lines 14-16).

As to claims 8-13, Angles teaches a method of creating information, upload the information to the first information handling system from a second information handling system over a network, and controlling a display of the information on the electronic billboard by the second information system (see col. 8, lines 34 to col. 9 to col. 10, lines 67).

As to claims 14-17, Angles teaches a multiple consumer computer 12 and the Internet 33, one or more electronic page 32 (col. 12, line 40). It would have been obvious to a person of ordinary skill in the art to recognize that Angles discloses a first electronic billboard at a first location and a second billboard at a second location (by virtue of the operation described at col. 8, lines 34 to col. 9 to col. 10, lines 67).

As to claim 18, Angles teaches the step of charging an amount of money for the display of the information on the selected electronic billboard (see abstract).

As to claims 19-23, refer to the previous rejections as applied to claims 14-18.

As to claims 24-26, Angles teaches "a method of uploading advertising data ..... a selected time" (see col. 5, lines 60 col. 6 to col. 7, lines 42).

As to claims 27-36, Angles teaches an advertising storage medium 44 to "receiving over a first network .....the first designated target display" (see col. 11, lines

50 col. 12, lines 35), the content provider's website address replies to the a plurality of designated target displays (see col. 14, line 37), first network and second network (see col. 9, lines 27-34 and col. 10, lines 33-59).

As to claims 37-39, Angles teaches the content provider's website address corresponding the claimed "receiving content ..... to display the content" (see col. 14, lines 9-67).

As to claims 40-41, Angles teaches a consumer member code 22 (col. 14, lines 27-29). It would have been obvious to a person of ordinary skill in the art to recognize that Angles discloses "outputting information .....the selected date and time" as claimed (by virtue of the operation described at col. 16, lines 38-44).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 form.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Nguyen whose telephone number is 703-305-6209. The examiner can normally be reached on MON-FRI from 9:00-5:00 with alternate Friday off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A Hjerpe can be reached on 703-305-4709. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-306-0377 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Kevin M. Nguyen  
Examiner  
Art Unit 2674

KN  
August 23, 2001



RICHARD HJERPE  
SUPERVISORY PATENT EXAMINER  
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